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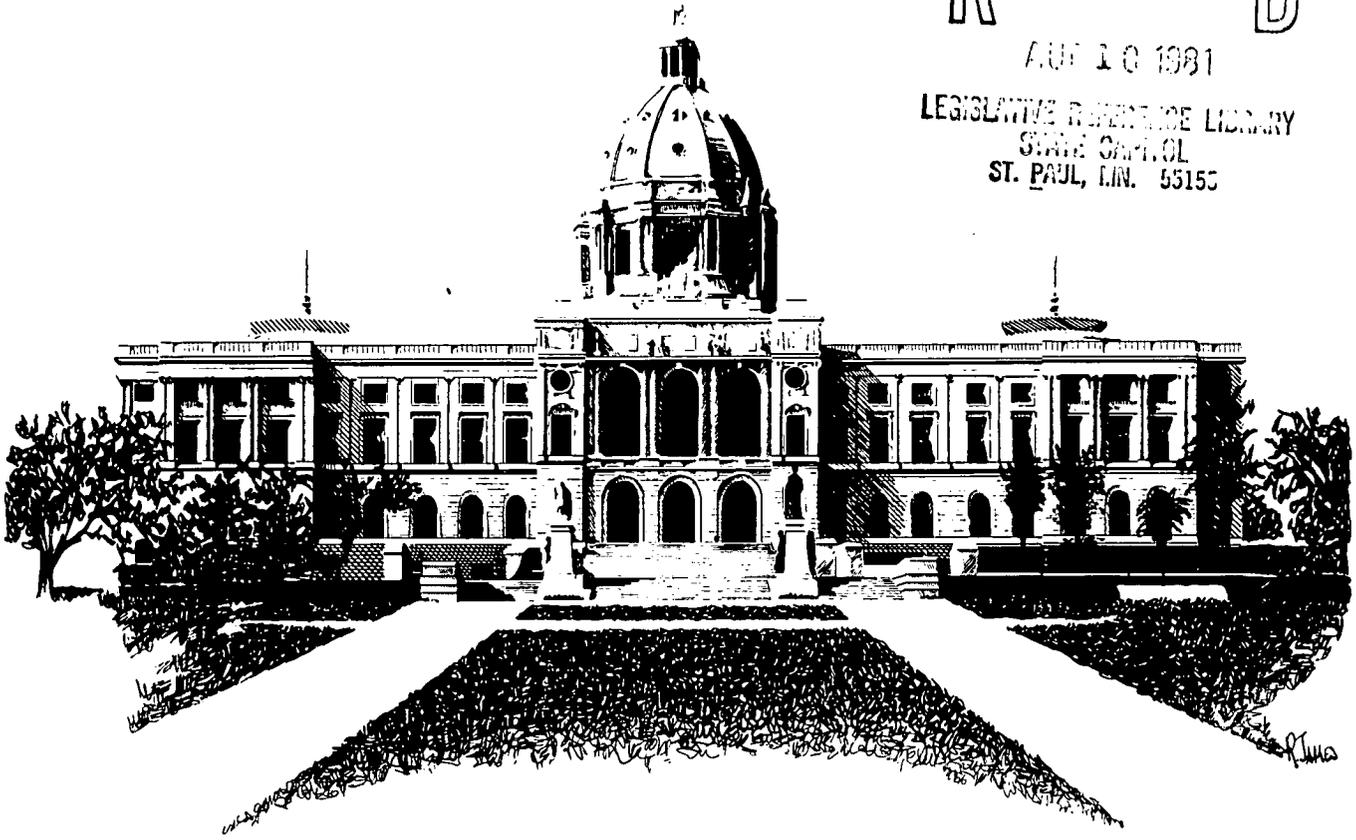
STATE REGISTER

STATE OF MINNESOTA

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VOLUME 6, NUMBER 6

August 10, 1981

Pages 153-180



Printing Schedule for Agencies

| Issue Number | *Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules | *Submission deadline for State Contract Notices and other **Official Notices | Issue Date |
|------------------------------|---|--|---------------|
| SCHEDULE FOR VOLUME 6 | | | |
| 7 | Monday Aug 3 | Monday Aug 10 | Monday Aug 17 |
| 8 | Monday Aug 10 | Monday Aug 17 | Monday Aug 24 |
| 9 | Monday Aug 17 | Monday Aug 24 | Monday Aug 31 |
| 10 | Monday Aug 24 | Monday Aug 31 | Monday Sept 7 |

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Inclusive listing for Issues 1-6..... 156

PROPOSED RULES

Administration Department

Board of Electricity

Licensure and Fees [notice of intent to adopt rules without a public hearing]..... 157

Minnesota Housing Finance Agency

Income Limits for Limited Unit Developments and Eligibility for the Home Ownership Assistance Fund [notice of correction of published proposed temporary rules] 159

Waste Management Board

Establishment, Alteration, and Termination of Solid Waste Management Districts [notice of intent to adopt rules without a public hearing] 161

ADOPTED RULES

Corrections Department

Juvenile Residential Facilities..... 166

SUPREME COURT

Decisions Filed Friday, July 31, 1981

51424, 51425, 51426/Sp. Bruce Griebel, Appellant (51426) Respondent (51424, 51425) v. Tri-State Insurance Company of Minnesota, defendant and third party plaintiff, Appellant (51424, 51425) Respondent (51426) v. Employer Mutual Companies of Des Moines, third party defendant. Brown County..... 168

51944/Sp. Harold Specktor, et al. v. The Commissioner of Revenue, Relator. Tax Court..... 169

51691/Sp. Chester M. Shanklin, et al., v. County of St. Louis, Relator. Tax Court 169

81-195/Sp. City of St. Paul v. Robert L. Janacek, et al., Appellants. Ramsey County 169

Opinion Filed July 24, 1981

81-533/Sp. State of Minnesota v. Douglas E. Weinandt, Appellant. Murray County 169

STATE CONTRACTS

Agriculture Department

Shade Tree Program

Theme Conceptualization and Design..... 169

Economic Security Department

Vocational Rehabilitation Division

Proposed Contracts—Federal Fiscal Year 1982: Medical, psychiatric, and psychological services; psychometric testing services; mobile medical examination services; medical transcription services 170

Health Department

Community Services Division

Toll-free Family Planning Information and Referral Hotline..... 172
Health Education Services 172

OFFICIAL NOTICES

Commerce Department

Insurance Division

Meeting Notice 173

Commerce Department

Securities and Real Estate Division

Outside Opinion Sought on Adoption of Uniform Conveyancing Blanks—Contract for Deed; Residential Mortgage; and Affidavit of Identity and Survivorship for Death Occurring after December 31, 1979 173

Minnesota Energy Agency

Alternative Energy Development Division

Outside Opinion Sought on Draft Rules Relating to the District Heating Preliminary Planning Grants 174

Transportation Department

Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under Minn. Stat. § 169.832 176

NOTICE

How to Follow State Agency Rulemaking Action in the State Register

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

The PROPOSED RULES section contains:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

All ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted TEMPORARY RULES appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the MCAR AMENDMENTS AND ADDITIONS list on the following schedule:

| | |
|-------------------------------|-------------------------------|
| Issues 1-13, inclusive | Issue 39, cumulative for 1-39 |
| Issues 14-25, inclusive | Issues 40-51, inclusive |
| Issue 26, cumulative for 1-26 | Issue 52, cumulative for 1-52 |
| Issue 27-38, inclusive | |

The listings are arranged in the same order as the table of contents of the MCAR.

MCAR AMENDMENTS AND ADDITIONS

TITLE 1 CONSTITUTIONAL OFFICES

Part 2 Secretary of State
 1 MCAR § 2.001 (proposed temporary) 71

TITLE 3 AGRICULTURE

Part 1 Agriculture Department
 3 MCAR §§ 1.0260-1.0263, 1.0270-1.0282 (proposed) 129

TITLE 4 COMMERCE

Part 3 Public Service Department
 4 MCAR § 3.0600 (proposed) 37

Part 7 Board of Architecture, Engineering, Land Surveying and Landscape Architecture

4 MCAR §§ 7.004, 7.009-7.010, 7.012-7.015, 7.017, 7.019, 7.021 (proposed) 102

Part 11 Board of Electricity

4 MCAR § 11.032 (proposed) 157

TITLE 6 ENVIRONMENT

Part 2 Energy Agency
 6 MCAR §§ 2.001 (Temporary)-2.006 (Temporary) 136

Part 8 Waste Management Board

6 MCAR §§ 8.001, 8.002, 8.005, 8.009, 8.010, 8.011, 8.014 (adopted) 49

TITLE 7 HEALTH

Part 6 Nursing Home Administrators Board
 7 MCAR §§ 6.010, 6.013 (adopted) 21
 NH 22-23 (proposed repeal withdrawn) 21

TITLE 8 LABOR

Part 4 Economic Security Department
 8 MCAR § 4.0012 (proposed) 5

TITLE 12 SOCIAL SERVICE

Part 2 Public Welfare Department
 12 MCAR § 2.079 (proposed) 13

Part 3 Housing Finance Agency

12 MCAR §§ 3.002, 3.133 (proposed temporary) 69
 12 MCAR §§ 3.002, 3.133 (proposed temporary, notice of correction) 159

TITLE 14 TRANSPORTATION

Part 1 Transportation Department
 14 MCAR § 1.5050 (withdrawn) 38

PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
 2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
 3. of the manner in which persons shall request a hearing on the proposed rules;
- and
4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 30 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Administration Board of Electricity

Proposed Amendment of Rules of the State Board of Electricity Governing Licensure and Fees

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Board of Electricity ("board") proposes to amend the above-entitled rules without a public hearing. The board has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 4-4f. If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

John Quinn
Executive Secretary
State Board of Electricity
Room N-191, Griggs Midway Building
1821 University Avenue
Saint Paul, Minnesota 55104
Telephone: (612) 297-2111

Authority for the adoption of these rules is contained in Minn. Stat. §§ 214.06 and 326.241 subd. 2(6) (1980). Additionally, a statement of need and reasonableness that describes the need for and identifies the data and information relied upon to support the proposed rules, has been prepared and is available from Mr. Quinn upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

reasonableness, all written comments received, and the final rules as adopted will be delivered to a designee of the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to receive a copy of the final rules as adopted should submit a written statement of such request to Mr. Quinn.

A copy of the proposed rules is attached to this notice. Additional copies may be obtained by contacting Mr. Quinn.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1980) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 40 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

John Quinn, Executive Secretary
State Board of Electricity

Rule as Proposed

4 MCAR § 11.032 Licenses, ~~examination and renewal~~; expiration; fees.

A. Expiration. Except as otherwise provided in this rule, all licenses issued ~~hereunder shall~~ or renewed under this rule expire ~~one year~~ two years from the date of issuance or renewal. Class "A" Master and Class "B" Master licenses issued or renewed before March 1, 1982, expire one year from the date of issuance or renewal. Class "A" Master and Class "B" Master licenses issued or renewed on or after March 1, 1982, expire March 1 of the next even-numbered year after issuance or renewal. Electrical contractor licenses issued or renewed after August 31, 1981, but before September 1, 1982, expire September 1, 1982. Electrical contractor licenses issued or renewed after August 31, 1982, expire March 1 of the next even-numbered year after issuance or renewal.

B. Examination, issuance, and renewal fees. The following fees shall be payable for examination, issuance, and renewal:

1. For examination for each class of

| | |
|---|---------|
| electrician's license: | \$25.00 |
| a. Class "A" Master | \$35.00 |
| b. Class "B" Master | \$20.00 |
| c. Class "A" Journeyman, Class "B" Journeyman, Installer or Special Electrician | \$10.00 |

2. For issuance of original license and renewal:

| | | |
|--|---------|----------------|
| a. Class "A" Master | \$35.00 | \$35.00 a year |
| b. Class "B" Master | \$20.00 | \$20.00 a year |
| c. Class "A" Journeyman, Class "B" Journeyman, <u>Class A or B</u> Installer or Special Electrician | \$ 7.50 | \$10.00 a year |
| d. <u>Electrical Contractor's licenses shall be renewed on September 1st of each year.</u> <u>Original & renewal fee Contractor</u> | \$10.00 | \$75.00 a year |

3. If a Class "A" Master or Class "B" Master license is issued or renewed in accordance with A. for less than two years, the fee for the license shall be prorated on a monthly basis for each month or part of a month that the license is issued or renewed. The electrical contractor's license fee shall be prorated on a quarterly basis for each quarter or part of a quarter that the license is issued or renewed in accordance with A.

4. A license fee may not be refunded after a license is issued or renewed. However, if the fee paid for a license was not prorated in accordance with the requirements of B.3., the amount of the overpayment shall be refunded.

C. Reissuance fee. Any electrical contractor who seeks reissuance of his or her license after it has been revoked or suspended pursuant to ~~Minn. Reg. rule Elec 26~~ of the Board of Electricity shall submit a reissuance fee of ~~\$100.00~~ \$100 before the license is reinstated.

D. Duplicate license fee. The fee for the issuance of each duplicate license is \$3.

Minnesota Housing Finance Agency

Notice of Correction of Publication of Proposed Temporary Rules Governing Income Limits for Limited Unit Developments and Eligibility for the Home Ownership Assistance Fund

The Proposed Temporary Rules Governing Income Limits for Limited Unit Developments and Eligibility for the Home Ownership Assistance Fund as published in the *State Register* of Monday, July 20, 1981 (6 S.R. 69) contained several errors. The request for public comment is reprinted below with the corrected proposed temporary rules.

Request for Public Comment

Notice is hereby given that the Minnesota Housing Finance Agency has proposed the following temporary rules for the purpose of setting income limits for Limited Unit Developments and to establish eligibility for the Home Ownership Assistance Fund, pursuant to Laws 1981, Chapter 306, Section 3.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rules for 20 days immediately following publication of this material in the *State Register* by writing to Monte Aaker, Research Coordinator, Minnesota Housing Finance Agency, Suite 200—Nalpak Building, 333 Sibley Street, St. Paul, Minnesota 55101. The temporary rules may be revised on the basis of comments received. Any written material received shall become part of the record in the final adoption of the temporary rules.

June 26, 1981

James J. Solem, Executive Director

Rules as Proposed

12 MCAR § 3.002 O.1. With respect to Limited-Unit Mortgage Loans pursuant to Chapter Four of these Rules, Development Cost Loans pursuant to Chapter Three of these rules, Planning Grants pursuant to Chapter Five of these rules, and American Indian Housing Loans pursuant to Chapter Eight of these rules, which loans and grants are intended for a Limited-Unit Development, or a dwelling unit in a planned unit development or a condominium, those persons and families whose Adjusted Income does not exceed ~~\$19,000 in the metropolitan area as defined in Minn. Stat. § 473.121, subd. 2 and \$17,500 in the remainder of the state~~ the amounts set forth in Exhibit 1 below or such lower amount as shall be required to assure that the interest on obligations of the agency will be exempt from federal income taxation:

EXHIBIT 1

| <u>Mortgage Interest Rate</u> | <u>Regions 1-10 Maximum Adjusted Income</u> | <u>Region 11 Maximum Adjusted Income</u> |
|-------------------------------|---|--|
| <u>0-10.59%</u> | <u>\$19,000</u> | <u>\$24,000</u> |
| <u>10.60-11.09%</u> | <u>\$20,000</u> | <u>\$25,000</u> |
| <u>11.10-11.59%</u> | <u>\$21,000</u> | <u>\$26,000</u> |
| <u>11.60-12.00%</u> | <u>\$22,000</u> | <u>\$27,000</u> |

; and

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PROPOSED RULES

12 MCAR § 3.133 Homeownership Assistance Fund—Monthly Assistance. The agency may provide eligible recipients with interest-free Monthly Assistance loans in the form of monthly payments of a portion of the principal and interest installment due on the Limited-Unit Development Mortgage on qualifying property. Such payments shall not exceed \$75 \$100 per month and shall decrease by \$5 \$10 per month (or \$60 \$120 per year) each year. The maximum amount of Monthly Assistance to which a recipient is originally entitled shall be determined by the agency from time to time on the basis of the percentage of income which may reasonably be spent on mortgage payments, the interest rate charged for Limited-Unit Development Mortgage Loans, and general housing and construction costs in the State of Minnesota, provided, however, that the initial maximum Monthly Assistance which the agency shall determine to be available shall not exceed the following amounts for persons and families within the following Annual Adjusted Income ranges as set forth in Exhibit 1 below for various potential interest rates to be charged by the Agency on its Limited-Unit Development Mortgage Loans:

| Annual Adjusted Income Between | Initial Maximum Monthly Assistance |
|--------------------------------|------------------------------------|
| —11,500 | 75 |
| 10,000-12,000 | 65 |
| 10,500-12,500 | 55 |
| 11,000-13,000 | 45 |
| 11,500-13,500 | 35 |
| 12,000-14,000 | 25 |
| 12,500-16,000 | 15 |

EXHIBIT 1 REGION 11 INITIAL MAXIMUM MONTHLY ASSISTANCE

| MORTGAGE INTEREST RATE | INITIAL MAXIMUM MONTHLY ASSISTANCE | | | | |
|------------------------------|------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | \$100 | \$80 | \$60 | \$40 | \$20 |
| <u>0-10.59%</u> | <u>\$0-\$15,000</u> | <u>\$15,001-\$16,000</u> | <u>\$16,001-\$17,000</u> | <u>\$17,001-\$18,000</u> | <u>\$18,001-\$19,000</u> |
| | <u>ADJUSTED HOUSEHOLD INCOME</u> | | | | |
| <u>10.60-11.09%</u> | <u>\$0-\$16,000</u> | <u>\$16,001-\$17,000</u> | <u>\$17,001-\$18,000</u> | <u>\$18,001-\$19,000</u> | <u>\$19,001-\$20,000</u> |
| | <u>ADJUSTED HOUSEHOLD INCOME</u> | | | | |
| <u>11.10-11.59%</u> | <u>\$0-\$17,000</u> | <u>\$17,001-\$18,000</u> | <u>\$18,001-\$19,000</u> | <u>\$19,001-\$20,000</u> | <u>\$20,001-\$21,000</u> |
| | <u>ADJUSTED HOUSEHOLD INCOME</u> | | | | |
| <u>11.60-12.00%</u> | <u>\$0-\$18,000</u> | <u>\$18,001-\$19,000</u> | <u>\$19,001-\$20,000</u> | <u>\$20,001-\$21,000</u> | <u>\$21,001-\$22,000</u> |
| | <u>ADJUSTED HOUSEHOLD INCOME</u> | | | | |

REGIONS 1-10 INITIAL MAXIMUM MONTHLY ASSISTANCE

| MORTGAGE INTEREST RATE | INITIAL MAXIMUM MONTHLY ASSISTANCE | | | | |
|------------------------------|------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | \$100 | \$80 | \$60 | \$40 | \$20 |
| <u>0-10.59%</u> | <u>\$0-\$10,000</u> | <u>\$10,001-\$11,000</u> | <u>\$11,001-\$12,000</u> | <u>\$12,001-\$13,000</u> | <u>\$13,001-\$14,000</u> |
| | <u>ADJUSTED HOUSEHOLD INCOME</u> | | | | |

ADJUSTED HOUSEHOLD
10.60-11.09% INCOME \$0-\$11,000 \$11,001-\$12,000 \$12,001-\$13,000 \$13,001-\$14,000 \$14,001-\$15,000

ADJUSTED HOUSEHOLD
11.10-11.59% INCOME \$0-\$12,000 \$12,001-\$13,000 \$13,001-\$14,000 \$14,001-\$15,000 \$15,001-\$16,000

ADJUSTED HOUSEHOLD
11.60-12.00% INCOME \$0-13,000 \$13,001-\$14,000 \$14,001-\$15,000 \$15,001-\$16,000 \$16,001-\$17,000

Waste Management Board

Proposed Rules Governing the Establishment, Alteration, and Termination of Solid Waste Management Districts

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Waste Management Board proposes to adopt the above-entitled rules without a public hearing. The Waste Management Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, § 15.0412, subd. 4(h) (1980).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, § 15.0412, subds. 4-4(f).

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Waste Management Board
Attention: Robert Pulford
123 Thorson Building
7323 - 58th Avenue North
Crystal, Minnesota 55428
(612) 536-0816

Authority for the adoption of these rules is contained in Minnesota Statutes, § 115A.63, subd. 2. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Waste Management Board, Attention: Robert Pulford, 123 Thorson Building, 7323 - 58th Avenue North, Crystal, Minnesota 55428, upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to the Waste Management Board, Attention: Robert Pulford, 123 Thorson Building, 7323 - 58th Avenue North, Crystal, Minnesota 55428.

The rules proposed for adoption relate to the following matters: (1) procedures for establishing and altering the powers and

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PROPOSED RULES

boundaries of a solid waste management district including the criteria by which the Waste Management Board will determine whether a district should be established or altered; (2) procedures for terminating a solid waste management district, including the criteria by which the Waste Management Board will determine whether a district should be terminated; (3) designation of resource recovery facilities; (4) extension of review periods; and (5) requests for additional information.

Copies of this notice and the proposed rules are available and may be obtained by contacting the Waste Management Board, Attention: Robert Pulford, 123 Thorson Building, 7323 - 58th Avenue North, Crystal, Minnesota 55428.

June 25, 1981

Robert G. Dunn, Chairman
Waste Management Board

Rules as Proposed (all new material)

6 MCAR § 8.101 Establishment, termination and alteration of solid waste management districts. Rules 6 MCAR §§ 8.101-8.107 provide for the establishment, termination, and alteration of solid waste management districts as required by Minn. Stat. § 115A.63, subd. 2. They govern the process by which local petitions to establish, alter or terminate the boundaries, powers, or responsibilities of solid waste management districts are submitted to the Waste Management Board, and the process by which the Waste Management Board will review the petitions.

6 MCAR § 8.102 Definitions. For the purposes of 6 MCAR §§ 8.101-8.107, the following terms have the meaning given them, unless the context requires otherwise.

A. Miscellaneous terms. The following terms have the meaning given them in Minn. Stat. § 115A.03: agency, board, collection, disposal, disposal facility, metropolitan area, metropolitan council, person, processing, regional development commission, resource recovery, resource recovery facility, solid waste, solid waste management district or waste district, transfer station, waste facility, and waste management.

B. Alteration. "Alteration" means a change in the geographic boundaries or the articles of incorporation of a solid waste management district.

C. Chairperson. "Chairperson" means the chairperson of the Waste Management Board.

D. Director. "Director" means the Director of the Minnesota Pollution Control Agency.

E. Metropolitan county. "Metropolitan county" means the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

F. Nonmetropolitan county. "Nonmetropolitan county" means those counties within Minnesota which are not metropolitan counties.

G. Solid Waste Management Advisory Council. "Solid Waste Management Advisory Council" means the council established pursuant to Minn. Stat. § 115A.12, subd. 1.

H. Technical Advisory Council. "Technical Advisory Council" means the council established pursuant to Minn. Stat. § 115A.12, subd. 2.

6 MCAR § 8.103 Petition requirements and procedures for establishment or alteration of a district.

A. Petition contents. A petition requesting establishment or alteration of a solid waste management district shall contain the following:

1. The name of the proposed solid waste management district;
2. A physical description of the geographic area and a brief description of the social and economic characteristics of the political subdivisions within the proposed boundaries of the district or alteration to a district;
3. A map which is of a sufficient scale to accurately identify the proposed boundaries of the district, including the political subdivisions contained within the proposed district;
4. A resolution of support for the district's establishment or alteration from each petitioning county which endorses the proposed boundaries and articles of incorporation or the changes in the boundaries or articles of incorporation;
5. A statement of the purposes for establishing or altering a district which describes in specific terms the solid waste management problems of the area encompassed by the district;
6. A statement of the goals and objectives of the proposed new or altered district and a discussion of how achieving the goals and objectives will lead to resolving the solid waste problems within the district;

7. A description of the solid waste management improvements and facilities which are envisioned, together with a discussion of the impact that the improvements and facilities will have on the solid waste management problems identified by the petitioners;

8. The proposed articles of incorporation or proposed changes in the articles of incorporation signed by the chairperson of all petitioning county boards specifying which of the powers identified in Minn. Stat. §§ 115A.69 and 115A.71 the petitioners believe the district should exercise and any other powers which the petitioners believe are necessary or convenient to accomplishing the purposes, goals, and objectives of the district, together with a statement of why each proposed power is necessary or convenient to accomplishing the purposes, goals, and objectives of the district;

9. A resolution signed by the chairperson of the county board of each petitioning county which identifies the reasons why joint powers agreements under Minn. Stat. § 471.59 are not sufficient to provide the legal, planning, management, or administrative structures necessary to implement the solid waste management powers identified in the district's articles of incorporation;

10. An affidavit executed by the chairperson of the county board of each petitioning county which indicates that the local review and comment provisions of B. and Minn. Stat. § 115A.64, subd. 3, have been complied with;

11. A copy of the comprehensive solid waste management plan required by Minn. Stat. § 115A.63, subd. 3; and

12. A statement setting out the relationship between the district and all affected counties with respect to solid waste management planning, administration and enforcement functions.

B. Additional local review requirements.

1. The notice of the petition published in newspapers of general circulation in the district as required by Minn. Stat. § 115A.64, subd. 3 shall include a summary of purposes, goals, objectives and proposed powers of the district. The notice shall state that comments on the petition may be submitted and provide the name and address of a person to whom comments may be submitted. The notice shall be published at least 60 days but no more than 120 days before the petition is submitted to the board.

2. The petitioners shall submit a copy of the petition to the Metropolitan Council for review and comment, if the petition involves a district which includes or extends into a metropolitan county.

C. Petition review procedures.

1. The board shall accept a petition for review if it conforms to the requirements of A. and Minn. Stat. §§ 115A.62-115A.72.

2. Petitions involving a district which includes or extends into a metropolitan county shall, upon acceptance, be referred to the Metropolitan Council for review. If the Metropolitan Council does not approve the establishment or alteration of the district, the board shall dismiss the petition. The Metropolitan Council shall make its decision within 60 days after receiving the petition from the board.

3. If comments have been received by the chairperson objecting to the establishment or alteration of the district, the chairperson shall request the Office of Administrative Hearings to conduct a public hearing on the petition. The hearing shall be held within 60 days after the board has accepted the petition.

4. Upon acceptance of a petition, the board shall transmit copies of the petition to the board's Solid Waste Management Advisory Council and Technical Advisory Council, and the Director of the Pollution Control Agency for their advice and recommendations concerning the disposition of the petition.

5. The Solid Waste Management Advisory Council shall make its recommendations to the board within 60 days after receipt of the petition. The Technical Advisory Council shall make its recommendations to the board within 30 days after receiving the petition.

6. The Director of the Pollution Control Agency shall complete and submit to the board the report required by Minn. Stat. § 115A.64, subd. 4, within 30 days after receiving the petition. In addition to the issues which the report must address under Minn. Stat. § 115A.64, subd. 4, the report shall comment on whether the proposed articles of incorporation of the district provide the district with adequate solid waste management administrative, planning, and enforcement authority to properly and safely carry out the solid waste management programs which the district proposes to undertake.

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PROPOSED RULES

D. Waste Management Board decision.

1. Within 60 days after receiving the recommendations from the Solid Waste Management Advisory Council, or, in the instance of a contested case proceeding, within 60 days after receiving the report from the hearing examiner, the board shall make its decision on whether establishment or alteration of the district is in the public interest and serves the purposes of Minn. Stat. §§ 115A.62-115A.72. In making this decision the board shall consider:

- a. Whether the district will reduce the need for landfilling of solid waste or improve the operation of solid waste landfills;
- b. Whether the district will provide coordinated solid waste management by all or portions of two or more counties;
- c. Whether the establishment or alteration of a district will enhance the protection or preservation of natural resources of the state;
- d. Whether the district will increase the potential for resource recovery;
- e. Whether the delivery of solid waste management services, public or private, will be more efficient, more convenient; and
- f. Whether the articles of incorporation of the district provide the district with adequate solid waste management planning, administrative, and enforcement authority to properly and safely carry out the solid waste management programs which the district proposes to undertake.

2. If the board determines that the establishment or alteration of a district as proposed in the petition would not be in the public interest and would not serve the purposes of Minn. Stat. §§ 115A.62-115A.72, the board shall notify the petitioners by certified mail of its intent to deny the petition. If a contested case hearing has not been held on the petition, and if the petitioners request a contested case hearing within 30 days after the board issues its notice of intent to deny the petition, the board shall request the Office of Administrative Hearings to conduct a hearing. The hearing shall be held within 60 days after the board receives the request for a hearing. The board shall make its final decision on the petition within 60 days after receiving the hearing examiner's report. In addition to the notification requirements of Minn. Stat. § 115A.64, subd. 4, the board shall also notify the Minnesota Pollution Control Agency of its decision.

6 MCAR § 8.104 Petition requirements and procedures for termination of a district.

A. Petition contents. A petition to terminate a district shall include:

1. A statement identifying why the district is no longer in the public interest, addressing at least the issues specified in 6 MCAR § 8.103 D.1.;
2. A statement of the solid waste management alternatives which will be utilized to manage the waste stream in the absence of a district;
3. An affidavit executed by the chairperson of the county boards of each petitioning county which states that the notice provisions of B. and Minn. Stat. § 115A.66, subd. 1; and
4. A copy of all written comments received by the petitioners on the petition.

B. Additional local review requirements.

1. The notice of the petition published in newspapers of general circulation in the district pursuant to Minn. Stat. § 115A.66, subd. 1, shall include a summary of the petition to terminate, including a brief discussion of the potential positive and negative impacts of terminating the district. The notice shall also state that comments may be submitted on the petition and provide the name and address of a person to whom comments may be submitted. The notice shall be published at least 60 days but not more than 120 days before the petition is submitted to the board.

2. A copy of the petition shall be submitted to the appropriate regional development commission or commissions, or, if all or part of a metropolitan county is included within the district, to the Metropolitan Council for review and comments at least 60 days before submission of the petition to the board.

C. Termination review procedures.

1. The board shall accept a petition for review if it conforms to the requirements of A. and Minn. Stat. § 115A.66.
 - a. If the petition does not conform with A. or Minn. Stat. § 115A.66, the chairperson shall return it immediately to the petitioners with a statement identifying the deficiencies in the petition.
 - b. The board may require the petitioners to republish the notice of termination and renotify political subdivisions if the board determines that significant changes to the original petition result from the corrected deficiencies.
2. If comments objecting to the termination of a district are included with the petition, the board shall request the Office

of Administrative Hearings to conduct a hearing on the petition. The hearing shall be held within 60 days after the board accepts a petition.

3. Upon acceptance of a petition, the board shall transmit copies of the petition to the board's Solid Waste Management Advisory Council and Technical Advisory Council, and the Director of the Pollution Control Agency, for their advice and recommendations concerning the disposition of the petition. Petitions to terminate a district which includes or extends into a metropolitan county shall be referred to the Metropolitan Council for review.

4. The Solid Waste Management Advisory Council and Metropolitan Council shall make their recommendations to the board within 60 days after receiving the petition. The Technical Advisory Council and the director shall make their recommendations to the board within 30 days after receiving the petition.

D. Waste Management Board decision.

1. Within 60 days after receiving the Solid Waste Management Advisory Council's recommendations, or in the instance of a contested case hearing, within 60 days after receiving the report of the hearing examiner, the board shall determine whether termination of the district is in the public interest. In determining whether the termination of a district is in the public interest the board shall consider:

- a. Whether the termination will reduce the need for landfilling of solid waste or in some manner improve the operation of solid waste landfills;
- b. Whether the termination will improve the coordination of solid waste management services in two or more counties;
- c. Whether the termination will enhance the protection or preservation of the natural resources of the state;
- d. Whether the termination will increase the potential for resource recovery;
- e. Whether the termination will provide for more efficient or more convenient delivery of public or private solid waste management services; and
- f. Whether the purposes for which the district was established have been accomplished or are no longer necessary to accomplish.

2. The board shall not approve the termination of any district which has outstanding bonds or obligations issued or incurred pursuant to the authority granted in Minn. Stat. § 115A.71.

3. If the board determines that the termination of a district as proposed in the petition would not be in the public interest, the board shall notify the petitioners by certified mail of its intent to deny the petition. If a contested case hearing has not been held on the petition, and if the petitioners request a contested case hearing within 30 days after the board issues its notice of intent to deny the petition, the board shall request the Office of Administrative Hearings to conduct a hearing. The hearing shall be held within 60 days after the board receives the request for a hearing. Within 60 days after the receipt of the hearing examiner's report the board shall make its final decision on the petition.

4. If the board determines that termination would be in the public interest, the board shall submit a certified copy of its findings and order to each political subdivision wholly or partly within the district, the Director of the Minnesota Pollution Control Agency and to the Office of Secretary of State.

6 MCAR § 8.105 Designation of resource recovery facilities. Articles of incorporation which would permit a district to require that all or any portion of the solid waste generated within the district's boundaries be taken to a designated facility pursuant to Minn. Stat. § 115A.70 shall not be effective prior to July 1, 1982.

6 MCAR § 8.106 Extension of review periods. Review periods established by 6 MCAR §§ 8.101 to 8.104 other than those specifically required by Minn. Stat. §§ 115A.62-115A.72, may, upon request made prior to the expiration of the period, be extended by the board, if, based on the complexity or controversial nature of the petition, the requesting party is able to demonstrate the need for more time. If the time periods provided for review expire and no extension has been granted, the board may proceed in its review of the petition without the comments of the affected entity.

6 MCAR § 8.107 Additional information. The chairperson of the board may, upon his own initiative or upon the request of any person required to review the petition under 6 MCAR §§ 8.101-8.104 or Minn. Stat. §§ 115A.62-115A.72, request the petitioners to supply additional information if the chairperson determines that the information would be necessary or useful in deciding whether the petition should be granted or denied.

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ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

Department of Corrections

Adopted Rules Governing Juvenile Residential Facilities

The rules proposed and published at *State Register*, Volume 5, Number 37, pp. 1436-1454 (5 S.R. 307) are now adopted with the following changes.

Rules as Adopted

Table of Contents

11 MCAR § 2.551 Introduction.

A. ~~Section 1,~~ Minn. Stat. § 241.021, subd. ~~1~~ 1(1), as amended by Laws of 1978, ch. 778, provides that the Commissioner of Corrections promulgate rules establishing minimum standards for all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of a person detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The rules which follow are minimum requirements for juvenile residential facilities.

B. Annual inspections. Juvenile residential facilities required to be licensed by Minn. Stat. § 241.021, subd. 1(1), will be inspected annually.

C. Revocation of license for non-conformance. Revocation of license proceedings shall be done in accordance with ~~M.S.~~ Minn. Stat. § 241.021, 1, (4).

~~D. Conditional license. The Commissioner shall issue a conditional license for a period of one (1) year. The conditional license shall describe those conditions needed to achieve substantial compliance.~~

D. Issuance of license. A license shall be granted if the facility is in substantial conformance with rules stated herein, or is making satisfactory progress towards substantial conformance, and if the interests and well-being of children and youth received therein are protected. The license shall remain in force one (1) year unless sooner revoked.

G. Severability. The provisions of these rules are severable. ~~If any article, section, subsection, sentence, clause or phrase of these standards is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the Department of Corrections, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of these rules.~~

11 MCAR § 2.554 Variance.

A. Variance of specific rule. The granting of a variance under this section shall not constitute a precedent for any other juvenile residential facility. The granting and denial of all variances shall be in writing and made within 30 days of the request for a variance. Such variance will be granted by the commissioner if, in the licensing procedure or enforcement of the standards in these rules: The Commissioner shall grant a variance if, in the licensing procedure or enforcement of the standards, the Commissioner finds that:

1. To require a particular juvenile residential facility to strictly comply ~~comply strictly~~ with one or more of the provisions will result in undue hardship, or jeopardize the health, safety, security, detention, or well-being of the residents or facility staff;

2. The juvenile residential facility is otherwise in substantial conformity with the standards contained in these rules or making satisfactory progress toward substantial conformity; compliance with said standards and their general purpose and intent.

3. Granting of the variance will not preclude the facility from making satisfactory progress toward substantial conformity with the rules;

4. The granting of the variance will not leave the interests and well-being of the residents unprotected; and

5. The facility will take such surrogate action as is necessary or available to comply with the general purpose of the standards to the fullest extent possible.

~~B. Emergency suspensions of rules. Nothing contained herein shall be construed to deny the power of any facility administrator to temporarily suspend any rule in the event of an emergency.~~

B. Emergencies. During an emergency, as defined in these rules and as declared by a facility administrator, those rules directly affected by the emergency and which, if not suspended, would adversely affect the health, security, safety, detention, or well-being of the persons detained or confined in juvenile residential facilities or the facility staff, shall be inoperative when an emergency is declared by the administrator.

~~1. Only rules directly affected by the emergency shall be suspended.~~

1. The facility administrator shall notify the Department of Corrections in writing within 72 hours of any emergency which resulted in the suspension of any rule.

~~2. The facility administrator shall notify the Department of Corrections in writing within seventy-two (72) hours of a suspension of any rule.~~

2. No suspension of rules because of an emergency declared by a facility administrator may exceed seven (7) days unless the administrator obtains the approval of the Commissioner of Corrections for a variance to the rules and such a variance is necessary for the protection of the health, security, safety, detention or well-being of the staff or the persons detained or confined in the institution where the emergency exists.

~~3. No suspension shall exceed seven (7) days without the approval of the Commissioner of Corrections.~~

11 MCAR § 2.559 Juvenile residential facility definitions.

D. "Child care worker" shall mean those staff ~~with~~ whose primary duties are the day-to-day ongoing supervision of residents.

F. "Controlled substance" shall mean a drug, substance or immediate precursor in Schedules I through V of Minn. Stat. § 152.02, ~~ch. 452.~~ (1980). The term shall not include distilled spirits, wine, malt beverages, intoxicating liquor or tobacco.

I. "Emergency" shall mean any significant incident or disruption of normal facility procedures, policies, routines or activities such as arising from fire, riot, natural disaster, suicide, ~~or~~ assault ~~on staff~~ or medical emergency.

L. "Inspection" shall mean an on-site assessment of existing conditions ~~and their relationship to meeting rules~~ made to determine the facility's compliance with these rules.

T. "Undue hardship" shall mean the financial costs are not warranted when weighed against the benefits derived.

~~F. U.~~ U. "Variance" shall mean the waiver of a specific rule for a specific period of time.

11 MCAR § 2.567 B.2. All child care workers shall be ~~(18) eighteen~~ a minimum of 18 (eighteen) years of age or older.

11 MCAR § 2.567 D.2.h. (1) During working hours, the ratio of staff to residents shall be one (1) staff to ~~ten (10)~~ twelve (12) residents. Staff who are not involved with the youth in direct service shall not be considered in this ratio. (Mandatory)

11 MCAR § 2.567 D.2. ~~i. Education/vocational staff and programs shall be provided consistent with Minnesota Department of Education Rules 5 MCAR § 1.0120.~~

i. There shall be a comprehensive and continuous education program for residents which shall be certified by the Minnesota Department of Education and includes at a minimum: (Mandatory)

(1) Developmental education

(2) Remedial education

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ADOPTED RULES

- (3) Special education
- (4) Multi-cultural education
- (5) Bilingual education where population profiles indicate this need
- (6) Tutorial services

11 MCAR § 2.575 Staff deployment, job description, work assignments, post orders, policies and procedures.

~~F. An affirmative action program shall be adopted by the facility's governing body and made a part of the policy manual. (Mandatory)~~

~~G. F.~~ The facility shall have a grievance procedure for employees.

~~H. G.~~ The facility administrator shall develop a written plan for dissemination of information to the public, to government agencies, and to the media.

11 MCAR § 2.579 Records and reports.

~~B. 3. Resident records shall be preserved as required by law.~~

11 MCAR § 2.583 Resident welfare.

K.2.b. The facility plan shall include a system of due process ~~which has been reviewed and approved by an appropriate legal advisor,~~ to include at a minimum:

- (1) Published the rules of conduct and the penalties for violation of rules.
- (2) Written notice of alleged violation of rule.
- (3) The right to be heard by an impartial hearing officer and present evidence in defense.
- (4) The right to appeal.

K.3.a. Disciplinary segregation shall be used only with due process procedures as outlined in § 2.583 K.2.b.

K.5.c. Each incident involving the use of restraints consistent with § 2.583 M.5.a.(2) or § 2.583 M.5.a.(3) shall be documented and placed on file.

~~N. L.~~ Activities.

~~N. L.12.f.(3) The parents or guardian of the deceased shall be notified immediately.~~

~~(3) (4) Personal belongings of the deceased resident shall be handled in a responsible legal manner, and preserved for the resident's parents or guardian.~~

~~(4) Records of a deceased resident shall be retained for a period of time in accordance with law.~~

11 MCAR § 2.595 L.9. Insect and rodent control. Any condition ~~or~~ in the facility conducive to harborage or breeding of insects, rodents, or other vermin shall be eliminated immediately. (Mandatory)

[Rationale: Typographical correction.]

11 MCAR § 2.595 M. 2- ~~Double occupancy sleeping rooms shall have a minimum of sixty (60) square feet of floor space per person.~~

3 2. Multi-occupancy sleeping rooms shall have a minimum of sixty (60) square feet of floor space per person.

SUPREME COURT

Decisions Filed Friday, July 31, 1981

Compiled by John McCarthy, Clerk

51424, 51425, 51426/Sp. Bruce Griebel, Appellant (51426) Respondent (51424, 51425) v. Tri-State Insurance Company of Minnesota, defendant and third party plaintiff, Appellant (51424, 51425) Respondent (51426) v. Employer Mutual Companies of Des Moines, third party defendant. Brown County.

Absent future legislation to the contrary, one who receives temporary total disability benefits for a workplace injury and who subsequently sustains an unrelated non-work injury, both of which are alone sufficient to preclude employment, may recover no-fault income loss benefits in accordance with our decision in *Record v. Metropolitan Transit Commission*, 284 N.W.2d 542 (Minn. 1979).

Affirmed. Sheran, C. J.

51944/Sp. Harold Spektor, *et al.* v. The Commissioner of Revenue, Relator. Tax Court.

Although Minnesota gross income is defined as federal adjusted gross income, the Minnesota Commissioner of Revenue may adjust a taxpayer's gross income based upon his own investigation of the taxpayer notwithstanding the federal government's failure to make a similar adjustment.

Reversed and remanded. Sheran, C. J.

51691/Sp. Chester M. Shanklin, *et al.* v. County of St. Louis, Relator. Tax Court.

Minn. Stat. § 272.68 (1980) is not applicable to federal condemnation of land.

Reversed. Sheran, C. J. Took no part, Amdahl, J.

81-195/Sp. City of St. Paul v. Robert L. Janacek, *et al.*, Appellants. Ramsey County.

Affirmed, as modified. Per Curiam.

Opinion Filed July 24, 1981

81-553/Sp. State of Minnesota v. Douglas E. Weinandt, Appellant. Murray County.

Defendant cannot appeal, pursuant to Minn. Stat. § 244.11 (1980), from sentences for crimes committed before May 1, 1980.

Appeal dismissed. Sheran, C. J.

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Department of Agriculture Shade Tree Program

Notice of Request for Proposals for Theme Conceptualization and Design Contract

The Shade Tree Program, a division of the Minnesota Department of Agriculture, is seeking individuals and firms that can offer a full range of services for conceptualization and design of the 1982 Arbor Month campaign and supporting materials, and a comprehensive Shade Tree Program Guidebook for client municipalities. The specific activities of the project include:

- create thematic graphic design for Arbor Month poster.
- design other collateral promotional materials.
- develop an Arbor Month campaign plan and timetable.
- provide technical assistance on media production and news coverage.
- create overall design and artwork for a comprehensive technical notebook for use by tree inspectors.
- provide public relations training for Shade Tree Program staff and advice for introducing guidebook at 1982 Tree Inspector workshops.

These services are outlined in detail in the Request for Proposals (RFP) Statement of Work. The formal RFP may be requested and inquiries directed to:

STATE CONTRACTS

Michele Gran
Shade Tree Program
Minnesota Department of Agriculture
90 W. Plato Blvd.
St. Paul, Minnesota 55107
(612) 296-6909

The anticipated cost of the contract will not exceed \$25,000. Proposals must include a cost estimate for total graphics and public relations services. Proposals will be accepted until 4:30 p.m. August 31, 1981. Late proposals will not be accepted.

Department of Economic Security Vocational Rehabilitation Division

Notice of Proposed Contracts—Federal Fiscal Year 1982

The Minnesota Department of Economic Security, Vocational Rehabilitation Division is publishing notice that the contracts listed below are available and will be awarded for federal fiscal year 1982 (October 1, 1981 to September 30, 1982):

A. Medical, Psychiatric, and Psychological Services

1. The Division of Vocational Rehabilitation is seeking an individual to function as the chief medical consultant to provide services under contract as follows:

- a. Provide technical supervision and assistance, and review the work of field office medical consultants;
- b. Analyze the medical service program of the division and make recommendations for program modifications;
- c. Participate in the planning, development, and conduct of in-service training, for both medical consultants and DVR counseling supervisory staff, in the medical aspects of Vocational Rehabilitation;
- d. Assist the agency in the development of forms, procedures and other operational materials that relate to the medical program;
- e. Review individual case material in order to provide advice on diagnosis, prognosis, medical implications and functional limitations resulting from disability;
- f. Represent the agency at meetings of state and local medical societies;
- g. Review and comment on individual medical plans that exceed certain specific cost limitations;
- h. Assist in the recruitment and selection of field office medical consultants.

The medical consultant will be responsible to the Assistant Commissioner for Vocational Rehabilitation with primary administrative direction coming from the director of client services. The individual will be paid at a rate of \$55 per hour. The contract will require an average of 10 to 12 hours per week. Inquiries should be directed to:

William Niederloh
Director of Client Services
Division of Vocational Rehabilitation
3rd Floor—Space Center Bldg.
444 Lafayette Road
St. Paul, Minnesota 55101

2. The Client Services Section is seeking to employ individuals under contract who will meet with local staff of the section in order to provide them with advice, consultation, and training on medical and psychiatric or psychological aspects affecting the rehabilitation process for specific clients and for the agency, in general. This section will be seeking at least one medical and one psychiatric or psychological contractor in each of the following locations: Bemidji, Brainerd, Duluth, Fergus Falls, Mankato, Minneapolis, Rochester, St. Cloud, St. Paul, Virginia, Willmar and Worthington. All individuals will be paid at a rate of \$35 to \$50 per hour. Most contract work will require an average of 2 to 4 hours per week. Inquiries should be directed to:

William Niederloh
Director of Client Services
Division of Vocational Rehabilitation
3rd Floor—Space Center Bldg.
444 Lafayette Road
St. Paul, Minnesota 55101

3. The Social Security Disability Determination Services Section is seeking to employ individuals under contract who will advise and consult with disability examiner staff and others about medical and psychological aspects of disability determination for specific claimants including the nature and severity of disease processes, appropriate medical development and case documentation, and assessment of the claimant's residual level of functioning. The contractor will also be required to certify the determination of disability as required by the Social Security Administration. The section will be seeking one licensed consulting psychologist and eighteen to twenty medical doctors. All services will be utilized in St. Paul. All individuals will be paid at a rate of \$35 to \$50 per hour. Contracts will vary from 8 to 20 hours per week. Inquiries should be directed to:

Irene Suddard
Assistant Director for Medical Services
Disability Determination Services Section
Division of Vocational Rehabilitation
Suite #460—Metro Square Bldg.
Seventh and Robert Streets
St. Paul, Minnesota 55101

B. Psychometric Testing Services

1. The Client Services Section is seeking a contractor who would provide psychometric testing to about 4,500 disabled clients. The testing would be provided by the contractor in eighty-five testing locations located throughout the state of Minnesota. The contractor would be required to administer any of seven psychometric tests and provide test scores, together with an interpretation of the test results, within two weeks of the testing date. Inquiries should be directed to:

William Niederloh
Director of Client Services
Division of Vocational Rehabilitation
3rd Floor—Space Center Bldg.
444 Lafayette Road
St. Paul, Minnesota 55101

C. Mobile Medical Examination Services

1. The Social Security Disability Determination Services Section is seeking the services of a contractor to provide qualified physicians in certain specialties (psychiatry, neurology and orthopedics) to travel to four Minnesota cities (Brainerd, Bemidji, Crookston and St. Cloud) to perform consultative examinations and provide written results of these examinations. Compensation is based on the division's fee schedule, not to exceed \$80 per examination. Total contract is not expected to exceed \$60,000. Reimbursement for mileage according to state regulations is provided. Inquiries and formal expressions of interest should be directed to:

Irene Suddard
Assistant Director for Medical Services
Disability Determination Services Section
Division of Vocational Rehabilitation
Suite #460—Metro Square Bldg.
Seventh and Robert Streets
St. Paul, Minnesota 55101

D. Medical Transcription Services

1. The Social Security Disability Determination Services Section is seeking the services of a contractor to receive by telephone, transcribe and deliver medical reports dictated by consulting and treating physicians. A telephone line is to be used exclusively by this section. Dictation recording equipment is to be provided by the contractor. Compensation is based on a 10-12 word line. The contract is not expected to exceed 550,000 lines. Inquiries and formal expressions of interest should be directed to:

Irene Suddard
Assistant Director for Medical Services
Disability Determination Services Section
Division of Vocational Rehabilitation
Suite #460—Metro Square Bldg.
Seventh and Robert Streets
St. Paul, Minnesota 55101

All expressions of interest must be submitted to the persons named above by September 10, 1981. Contractors will be selected

STATE CONTRACTS

from individuals expressing interest based on qualifications and appropriate experience. Documentation concerning these will be requested, if needed.

Department of Health Community Services Division

Notice of Request for Proposals for Toll-free Family Planning Information and Referral Hotline

The Minnesota Department of Health is requesting proposals from public and private organizations to continue a toll-free family planning information and referral hotline for Minnesota residents for a period of two years. An amount not to exceed \$100,000.00 is available for this project.

Proposals must be submitted to the Minnesota Department of Health no later than 4:30 p.m. August 31, 1981.

Interested persons may obtain a Request for Proposal and further instructions by submitting a written request to:

Ms. Ruth Algren
Counseling Consultant, Family Planning
Section of Maternal and Child Health
Minnesota Department of Health
717 SE Delaware Street
Minneapolis, MN 55440

Department of Health Community Services Division

Notice of Request for Proposal for Health Education Services Contract

Services for Children with Handicaps (the Crippled Children's Services agency in Minnesota) seeks to improve the health, both mental and physical, of children with diabetes by stimulating the development and availability of competent and comprehensive health education services for these children in the State of Minnesota.

Therefore SCH is requesting a proposal from a health care and education organization or facility to assist SCH in continuing a program to accomplish its goals by means of a technical services contract.

The contractor's duties shall be to provide a nurse practitioner, nutritionist, health educator, social worker, and pediatrician skilled in the understanding and clinical management of juvenile diabetes mellitus. This team will assist SCH staff in the provision of professional services at a series of field clinics throughout the state. The contractor must also provide certain administrative services. These duties shall include:

1. Maintenance of planning relationships with consumer groups interested in services to children and youth with diabetes.
2. Development with SCH staff of specific program initiatives and establishment of schedules for a program of clinics and workshops during the contract period.
3. Provision of educational and orientation programs for local health professionals prior to field clinics.
4. Ongoing consultation with community health professionals to assure optimal care of children with diabetes.
5. Staffing at field clinics to provide interview, examination and counseling of children and families.
6. Submission of a report to SCH at conclusion of the contract period.

The total obligation of the state for all compensation and reimbursements to contractor shall not exceed eighty thousand dollars (\$80,000.00).

Proposals shall be submitted to Richard P. Nelson, M.D., Director, Services for Children with Handicaps, 2829 University Avenue Southeast, Suite 840, Minneapolis, Minnesota 55414 two weeks following publication of this request. The contract period will extend from September 1, 1981 through June 30, 1982.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Commerce Insurance Division

Meeting Notice

Minnesota Comprehensive Health Association

Board of Directors
Friday, September 11, 1981
9:00 a.m.
Federated Mutual Insurance Company
129 East Broadway
Owatonna, Minnesota

Changes in any scheduled meetings and notices of any additional meetings will be posted or otherwise be available upon inquiry at the office of the Insurance Division, and may also be obtained by telephone from the Life and Health Section, telephone (612)-296-2202.

Department of Commerce Securities and Real Estate Division

Notice of Intent to Solicit Outside Opinion Concerning the Adoption of Uniform Conveyancing Blanks—Contract for Deed; Residential Mortgage; and Affidavit of Identity and Survivorship for Death Occurring after December 31, 1979

Notice is hereby given that the Securities and Real Estate Division is soliciting opinions and comments pertaining to the adoption of Uniform Conveyancing Blanks to replace Uniform Conveyancing Blanks, FORM NUMBERS 54, 55, 56 and 57 (Contracts for Deed), the originals of which are filed with the Secretary of State, and copies of which are set out following M.S.A. § 507, as well as the adoption of two new blanks for a Residential Mortgage and an affidavit of Identity and Survivorship for Death Occurring after December 31, 1979.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing and must be received by October 16, 1981. Written statements of information and comments may be addressed to:

Mr. Daniel W. Hardy
Assistant to the Commissioner
Securities and Real Estate Division
Department of Commerce
500 Metro Square Building
St. Paul, Minnesota 55101

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-5689 and in person at the above address. Any written material received by the above date will become part of the record of any rules hearing which might be held.

Mary Alice Brophy
Commissioner of Securities and Real Estate

**Minnesota Energy Agency
Alternative Energy Development Division**

Notice of Intent to Solicit Outside Opinion of Draft Rules Relating to the District Heating Preliminary Planning Grants

Notice is hereby given that the Minnesota Energy Agency (hereinafter "agency") is soliciting information and opinions from sources outside the agency for the ultimate purpose of making permanent rules under the Laws of 1981, Chapter 356, Section 30.

The permanent rules, when made, will govern the distribution and administration of Preliminary Planning Grants to communities. The grants will allow communities to identify and plan district heating projects.

The agency is following the noncontroversial procedure for the making of permanent rules. The first solicitation of outside opinion was published in the July 6, 1981 *State Register* (6 S.R. 26). This second solicitation is not absolutely required, but is being done in an effort to meet any comments or objections to the draft rules prior to the time that permanent rules are formally adopted.

All persons desiring to submit information or views on the following draft rules may do so either orally or in writing. Written or oral comment should be addressed to:

Mr. Ronald Sundberg
Minnesota Energy Agency
980 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
Telephone: (612) 296-9096

All statements of information and comment on the draft rules must be received by August 21, 1981. Any written material received by this date will become part of the record of the permanent rules.

6 MCAR § 2.4001 Authority and purpose.

A. Authority. Rules 6 MCAR §§ 2.4001-2.4007 implementing the District Heating Preliminary Planning Grants Program are promulgated by the agency pursuant to Laws of 1981, ch. 356, § 30.

B. Purpose. The objective of the District Heating Preliminary Planning Grant Program is to encourage the development and expansion of economically viable district heating systems which have the potential to save energy and displace scarce fuels such as oil and natural gas. This program will encourage: construction of new hot water district heating systems; reconstruction or major expansion of existing steam district heating systems; and expansion of district heating systems by development of satellite systems or heat islands which could be connected to an existing or proposed major central heating system later.

6 MCAR § 2.4002 Definitions. For the purpose of 6 MCAR § 2.4001-2.4007 the words or terms defined in this rule have the meanings given them.

A. "Agency." Agency means the Minnesota Energy Agency.

B. "Applicant." Applicant means a municipality as defined in 6 MCAR § 2.4002 F. as well as any organization with which the municipality submits a joint application. No application will be accepted unless submitted by a municipality as sponsor or co-sponsor.

C. "Community heatload survey and map." Community heatload survey and maps means a description of the district heating market including location of heat source, location and type and age of heating systems of potential non-residential customers, annual energy consumption and temperature requirements and approximate load duration for process heat customers.

D. "Director." Director means the director of the Minnesota Energy Agency.

E. "Major central system." Major central system is one that does not rely on oil or natural gas.

F. "Municipality." For purposes of applying for grants under this program, municipality means a city however organized.

G. "Project." Project means the preliminary planning project.

H. "Satellite or heat island." A satellite or heat island system relies on oil or natural gas and is a heating system which in the future would become part of a major central system.

6 MCAR § 2.4003 Preliminary planning grant program.

A. Application schedule. The agency shall accept grant applications on two month intervals after the rules are effective. Applications received shall be ranked and the director shall recommend ranked applications which meet all the criteria to the legislative advisory committee for approval and funding. No municipality shall be awarded more than two grants out of the same appropriation.

B. Review process. Applications shall be reviewed and ranked by the agency. The director shall prepare and submit to the legislative advisory committee a list of all district heating grant requests. The list shall contain the necessary supporting information. The recommendations of the legislative advisory committee shall be transmitted to the governor. The governor shall approve or disapprove, or return for further consideration, each project recommended for approval by the legislative advisory committee. Upon approval by the governor, a grant agreement shall be negotiated with the agency in accordance with 6 MCAR § 2.4006. Comments on applications not selected for grant awards will be forwarded to the applicant. Applications not funded shall be included in the next funding round unless withdrawn. Applicants may modify or supplement their proposals for the next funding interval if desired.

6 MCAR § 2.4004 Contents of preliminary planning grant applications. Applications shall contain the information required by Laws of 1981, ch. 356, § 30, and at least the following information:

A. Community heatload survey and map.

1. Description of heat source. If plans call for an existing heat source such as an electric generation plant or a coal-fired boiler include at least a discussion of: type, size, age, fuel, present use and emission controls. If a new heat source would be used, include: fuel, estimated cost of fuel and fuel availability.

2. Estimate of district heating market. Non-residential building information including location, type and age of heating system, type of fuel and annual energy consumption. Description of process load including temperature requirements and load duration. Include a map showing the location of the heat source and major load concentrations.

B. Community benefit. Briefly discuss the impact of the district heating system on the community and how it would relate to community development plans.

C. Community commitment. Include written expressions of interest and commitment from major potential loads, owner of heat source, and the municipal governing body.

D. Project plan. The project plan should include a list of tasks, time estimates for each task and a list of deliverables. It should also include rough estimates of time required in successive stages such as design and construction.

E. Project budget. Include an estimate of expenditures by category, e.g. personnel, travel, etc. also estimates of costs by project plan task.

F. Project organization chart and use of consultants. Assistance in preparing applications can be obtained from the agency.

6 MCAR § 2.4005 Ranking criteria. Applications will be ranked according to the following criteria, which are listed in order of importance:

A. Estimated capital cost per million BTU of energy sold per year.

B. Benefit to the community.

C. Project plan.

D. Community commitment.

E. Thoroughness of community heatload survey.

F. Qualifications of project personnel.

G. Clarity and conciseness.

6 MCAR § 2.4006 Agreement. After approval by the governor, the applicant shall enter into an agreement with the agency.

A. The agreement shall specify the grant amount and the duration of the grant. The agreement shall include assurance that the local share will be provided and that the agreed upon work program will be carried out. A grant agreement based upon a joint application must be executed by the lead applicant. Amendments and extensions may only be made in writing and must be signed by all parties.

B. Funding period. Planning grants will be approved for a period of up to one year.

C. Grant limitations. (1) Planning grants shall not exceed 90% of eligible planning costs. (2) No single grant shall exceed \$20,000.

OFFICIAL NOTICES

D. Disbursement schedule. (1) 90% of grant monies at the outset upon receipt of invoice to the agency of project costs. (2) The remaining 10% upon completion and receipt of a satisfactory final report.

E. Required reports. (1) The grantee shall submit to the agency on the first of each month a report briefly stating the activities that have transpired during the month. (2) The grantee shall provide the agency with three copies, one of which shall be a camera-ready copy, of the final preliminary planning report.

F. Records. The grantee shall maintain for a period of not less than three years from the date of the execution of the contract all records relating to the receipt and expenditures of grant monies.

G. Contract deviations. (1) No grant funds shall be used to finance activities by consultants or local staff not included in the grant contract, unless agreed upon in writing by the agency. (2) Unless agreed upon by the agency, it will not be permissible for 100% of all energy-related activities to be contracted out to consultants.

6 MCAR § 2.4007 Evaluation.

A. The agency shall conduct an evaluation within 60 days of the submission by the grantee to the agency of the final report and all the required reports and financial documents. The evaluation shall assess: (1) Whether the local share contributed was equal to or greater than 10% of the total cost of the preliminary planning project; (2) Whether the agreed-upon work program was complete; (3) Whether the governing body has formally reviewed the completed preliminary district heating plan.

B. Upon completion of a satisfactory evaluation the remaining 10% of the grant shall be disbursed to the grant recipient. If the results of the evaluation are unfavorable to the grantee and the grantee does not agree with the findings of the evaluation, the grantee may request a review by the director.

Department of Transportation

Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under Minn. Stat. § 169.832

Order No. 65932

Whereas, the Commissioner of Transportation has made his Order No. 65851, which has been Amended by Order 65929, designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under Minnesota Statutes § 169.832, and

Whereas, the commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under Minnesota Statutes § 169.832.

It is hereby ordered that Commissioner of Transportation Order No. 65851 be further amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

Trunk Highways

T. H. 32—In St. Hilaire from the Elevator Entrance to Pennington C.S.A.H. 3 (Temporary.)

T. H. 59—From Erskine to Thief River Falls (Temporary.)

July 1, 1981

Richard P. Braun
Commissioner of Transportation



THE BEAVER — Pencil drawing by Corby Harty, New Ulm Junior High School, New Ulm, MN.

STATE OF MINNESOTA

State Register and Public Documents Division
117 University Avenue
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Weekly Wrap-Up—House committees, committee assignments of individual representatives, news on committee meetings and action, House action and bill introductions. Contact House Information Office, Room 8 State Capitol, St. Paul, MN, (612) 296-2146.

This Week—weekly interim bulletin of the House. Contact House Information Office.

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